



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

April 8, 2021

BOARD MEMBERS

Tom Coble
Joe Highberger
Brent Matherly
Jim Roberts
Chad Vice

STAFF

Amanda Everett, AAG
Chris Ferguson
Karol Shepherd
Tyler Stiles

MEETING PLACE: MEETING PLACE: Videoconference at

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only Board Members, Staff, and Respondents use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105. Face masks are required to be worn if attending in person.

This Board meeting notice and agenda was posted on our web site (www.ok.gov/funeral) on April 2, 2021 at 4:00pm

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members, Coble, Highberger, Matherly, Roberts and Vice were present. Member Cooper was absent. A quorum was at all times present

Reading of the Oklahoma Funeral Board mission statement. The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Roberts second by Highberger to approve the February 18, 2021 Special Board meeting minutes. The motion passed with Vice abstaining.

Motion by Vice, second by Roberts to dismiss complaint 21-31 regarding overcharging. The motion passed unanimously.

Motion by Vice second by Roberts to dismiss complaint 21-36 regarding next of kin issues. The motion passed unanimously.

Motion by Vice second by Matherly to dismiss complaint 21-38 regarding death certificate issues. The motion passed unanimously.

The Board took no action regarding complaint 20-25 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused.

The Board took no action regarding complaint 21-14 Forever Memories Funeral Service, Inc.; Establishment, Sallisaw; Forever Memories Funeral Service, Inc. Owner; David Hampton, FDIC, Sallisaw. Member Vice needs to be recused.

Regarding complaint 21-23 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and left the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Vice to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: failure to discharge financial obligation, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$1,000, 6 hours of additional Continuing Education, Costs of \$500. The motion passed unanimously.

Regarding complaint 21-33 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and was not in the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Roberts to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, failure to comply with the Funeral Rules of the Federal Trade Commission, material misrepresentation, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$5,000, Richard Varner is placed on Probation for 2 years and shall report monthly for 6 months with copies of each Statement of Goods and Services for all deaths which Richard Varner participates in commencing May 13, 2021, 12 hours of additional Continuing Education with 6 of those hours related to Statements of Goods and Services and Price Lists, Costs of \$1,000. The penalty and costs shall be paid on or before May 13, 2021. The motion passed with Coble, Highberger, and Roberts voting yes, Vice voted no.

Regarding complaint 21-39 Alternatives Cremation & Funeral Service, Establishment, Cordell; Alternatives Cremation & Funeral Service, Owner; Richard Varner, FDIC, Cordell. Respondent Richard Varner was present and he was not represented by an attorney. The prosecution was represented by Amanda Everett, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Roberts and Vice heard the case. Member Matherly was recused from the case and was not in the room.

After the presentation of the agreed upon Consent Order, motion by Roberts second by Highberger to accept the consent Order. The Consent Order consisted of the following: The agreed violations were: gross malpractice or gross incompetence, failure to timely file death certificate, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500.00, 6 hours of additional Continuing Education, Costs of \$500. The motion passed unanimously.

Member Matherly returned to the meeting room.

Motion by Vice second by Highberger to approve the following: Apprenticeship (Original) Sarah Miller, OKC, Bill Eisenhower FS, OKC; Andrea Landrum, Denison, TX, Brown's FS, Durant; Katlynn Chism, OKC, OMS, OKC (EM only); Samantha Jasper, OKC, Fallon, OKC and Hibbs, Choctaw; and Chantal Hernandez, Hinton, Matthews FH, Edmond. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Apprenticeship (Original) Taigen White, Sulphur, Dearman FH, Tishomingo. The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Apprenticeship (2nd extension) Wanda Douglas, Ardmore, Alexander Gray FH, Wilson; Apprenticeship (FD only) (Original) Amy Tolle, Purcell, Wilson-Little FH, Purcell; and Apprenticeship (FD only) (2nd extension) Alan Hedden, Tulsa, Cremation Society of Oklahoma, Tulsa (Grad of Dallas). The motion passed unanimously.

Motion by Roberts second by Highberger to deny the following: Funeral Director and/or Embalmer (Reciprocal) Chester Beavers, Texas (FD only). The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Joseph Campbell, Missouri. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) 2. Brent Patterson, Tuttle (FD only). The motion passed unanimously.

Motion by Highberger second by Vice to table the following: Nicole Winters, Okmulgee (FD only); Staci Hartwell-Helm, Ardmore; and Christopher Gann, Broken Bow (FD Only). The motion passed unanimously.

Motion by Vice second by Highberger to approve the following: Establishments; Tishomingo FH, request to change FDIC from Chad John to Tasha Kemp; The Funeral Home, LLC, Watonga, New Establishment, The Funeral Home, LLC, Owner; Kenneth Anglin Jr. FDIC; Rice FS, Catoosa request to close establishment; Rice FS & CremationCare+, Catoosa, New Establishment, Kennedy FH a Separate Series of the Odell Group LLC a OK Series LLC, Owner; Rondall Gammon, FDIC; Cremation +, Tulsa request to

close establishment; CremationCare+, Tulsa, New Establishment, Kennedy FH a Separate Series of the Odell Group LLC a OK Series LLC, Owner; Rondall Gammon, FDIC; Tribute Memorial Care Southwest, Tuttle, New Establishment, Tribute Memorial Care Southwest LLC, Owner; John Davenport, FDIC; Brown's Family Funeral Home, McLoud, request to change FDIC from Venita Elmore to Timothy Alonzo; Brown's Family Funeral Home, Chandler, request to close establishment; and McKay-Davis & Tate FH & C, OKC request to change FDIC from Johnnie Swanson Jr. to Venita Elmore. The motion passed unanimously.

No new business was discussed.

Regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Garfield County District Court, Case Number CJ-2020-284, *Amy Stittsworth Funeral Svc. & Cremation Directors, Inc., et al. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation

Motion by Roberts second by Vice to enter into executive session. The motion passed unanimously.

Mr. Highberger and Mr. Vice were recused from this executive session and they left the room.

Motion by Roberts second by Matherly to exit executive session. The motion passed unanimously. While in executive session no votes were taken and only this case was discussed.

Motion by Matherly second by Roberts to approve that the Board advisor take action as discussed in executive session and to direct Vice President Roberts to sign off it. The motion passed unanimously.

No action was taken regarding possible vote to enter into executive session pursuant to 25 O.S. Section 307(B)(4) for confidential communication between the Funeral Board and its attorney concerning pending litigation in Oklahoma County District Court, Case Number CV-2020-2297, *Neptune Management Corp. v. State of Okla., ex rel. Oklahoma Funeral Board, et al.*, when with the advice of its attorney, the Funeral Board determines that disclosure would seriously impair the ability of the Funeral Board to process or conduct or defend its claim in the pending litigation.

Administrative Assistant Report-Thentia Computer Software Project Update-Karol Shepherd updated the Board regarding the computer project and that a contractor has captured the agency data for implantation to Thentia. Office staff also held a meeting recently that involved the payable side of the platform.

Deputy Director's Report-2021 Legislative Update; HB1638; HB1742; HB2009; HB2072; and SB354 Mr. Stiles updated the Board that board staff are currently tracking the following Bills: Here is a brief summary of legislation that we are tracking at this time that could impact the funeral industry.

HB1638 Rep. Lepak- Related to Death Certificates. Felony to knowingly provide false data or misrepresent any person's relationship to the decedent. This Bill passed through Senate committee and it is on its way to the full Senate.

HB1742 Rep. Dills- Funeral Board Bill-Related to Alkaline Hydrolysis. This Bill passed through Senate committee and it is on its way to the full Senate.

HB2009 Rep. Townley- Related to advance practice registered nurses signing DC's. This Bill passed through Senate committee and it is on its way to the full Senate.

HB2072 Rep. McCall- Related to a temporary funeral director and embalm license. This Bill passed through Senate committee and it is on its way to the full Senate.

SB354 Sen. Bergstrom- Related to the elimination of the out of state permit from the Medical Examiner's Office for boarding counties to other states. This Bill is in front of a House Committee at the time of the Funeral Board meeting and will provide an update on the outcome soon.

Executive Director's Report-Agency Financial update Mr. Ferguson reported gross receipts for March 2021 to be \$12,970.00 with \$790.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$42,983.58 and net income after expenses totaled -\$30,805.58

COVID-19-related funeral expenses- Mr. Ferguson updated the Board of recently new Federal money available for funeral reimbursements.

Motion by Roberts second by Highberger to adjourn the meeting at 10:50AM.
The motion passed unanimously.

Joe Highberger, President